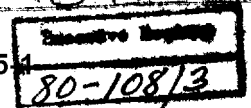


Office of
Personnel Management

Washington, D.C. 20415



In Reply Refer To:

Your Reference:

MAR 10 1980

Honorable Frank C. Carlucci
Deputy Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Frank:

This refers to your letter of February 22, 1980, expressing interest in establishing authority for movement of personnel between the CIA and the competitive civil service.

Civil service rule 6.7 gives the Office of Personnel Management (OPM) authority to enter into an agreement providing for such movement with any agency having an independent merit system. The conditions which must be met before an agreement will be approved are discussed in subchapter 2 of chapter 300 of the Federal Personnel Manual. Generally, these conditions are designed to ensure that the agency has a documented merit system which is compatible, though not necessarily identical, with the competitive appointment system, and that the agreement will foster two-way movement of personnel, to the benefit of both systems.

William Bohling, Chief of our Inservice Placement Branch, will be OPM's contact for negotiation of an interchange agreement. His telephone number is 632-6000. He is expecting Mr. Fitzwater's call and will explain in more detail the procedures involved in negotiating an agreement. You may be assured that your agency's request will receive full and fair consideration.

Sincerely yours,


Alan K. Campbell
Director

Subchapter 2. Cooperation With Other Merit Systems

[NOTE: Subchapter 1 is reserved.]

2-1. INTERCHANGE OF ELIGIBLES

→ON REGISTERS←

The Commission is authorized by Executive Order 9830 to certify eligibles from appropriate registers maintained by Federal or territorial examining offices, or civil service examining offices of State and local agencies. The certification may be made only with the agreement of the office involved and a finding by the Commission that the requirements of law concerning appointments to the competitive service have been met. These offices, upon agreement with the Commission, may certify eligibles from appropriate registers maintained by the Commission.

2-2. MOVEMENTS OF PERSONS BETWEEN THE COMPETITIVE CIVIL SERVICE AND OTHER MERIT SYSTEMS

a. Authority and requirements. The Commission and any Federal agency having an independent merit system →(i.e. an "excepted agency")← may, pursuant to Executive Order 10577, civil service rule 6.7, enter into an agreement providing for the movement of persons between the competitive civil service and the independent system. Under the terms of an agreement, normally an excepted employee of the agency with the independent merit system may noncompetitively transfer to a competitive position in another Federal agency. Agreements may be established when the Commission and the agency with the independent merit system involved determines that← movement between the two systems is in the interest of good administration and is consistent with the intent of civil service and other applicable laws. An agreement prescribes the conditions for interchange of persons and defines the status and tenure acquired by persons when they move from one system to the other. A proposal to establish an agreement should be submitted to the →Director, Bureau of Recruiting and Examining,← Civil

Service Commission, Washington, D.C. 20415, for approval by the Commission.

b. Criteria for approval of an agreement.

(1) The Commission's criteria when it considers a proposal to authorize the interchange of employees between the competitive civil service and another Federal merit system are:

(a) →The basic framework of the merit personnel system must be established through law, rules, regulations, or instructions in written form and← must be designed to achieve, and in practice tend to achieve, the following general objectives:

- (i) →Recruiting, selecting, and advancing employees solely on the basis of their relative abilities, knowledges, and skills including open and outside competition for positions with selection based on merit;
- (ii) Providing equitable and adequate compensation to attract and retain high-quality personnel, with appropriate incentives and recognition for excellence in performance;
- (iii) Maintaining a formal position classification or job evaluation system that serves as the foundation for objectively and consistently determining the qualifications requirements of job.
- (iv) Retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (v) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, religious creed, physical handicap, or other nonmerit factors and

- with proper regard for their privacy and constitutional rights;
- (vi) Assuring that employees are protected against arbitrary action, personal favoritism, and coercions for partisan purposes, and providing for fair and impartial review and correction of improper actions;
 - (vii) Compliance with part 713 of the CSC implementing regulations concerning equal employment opportunities, including the requirement to operate under an annually approved EEO affirmative action plan, (for Federal agencies as defined in section 717(a) of P.L. 92-261);
 - (viii) Conducting positive employee-management relations and communications.←
- (b) The basic framework of the system must be established through law, rules, regulations, or instructions in written form.
 - (c) Actual operations under the system must accord with the framework established.
 - (d) In filling positions under the →independent merit← system the following →concepts← of open competition →and merit selection← must be applied:
 - (i) Sufficient publicity must be given so that a reasonable amount of information is made available to citizens about the existence of vacancies, →e.g., job announcements posted in appropriate CSC job information centers.←
 - (ii) Interested persons who have learned of the vacancy must have a reasonable opportunity →to apply for the vacancy and← to make known their availability for consideration and →selection.←
 - (iii) Standards of competence and fitness must be applied impartially to all persons who make themselves available. →These standards should be based on a job analysis to identify basic duties and responsibilities, skills, knowledges, and abilities required to perform the duties and responsibilities, and factors that are important in evaluating candidates←
 - (iv) The standards must contain no test which constitutes discrimination based on factors other than competence and fitness. This includes the absence of any political test or political clearance of applicants.
 - (v) Selection must be from among those →applicants← determined on the basis of the →aforementioned← standards to be most competent.
 - (vi) Each applicant should be able to learn what consideration was given to his application.
 - (vii) Each applicant should have an opportunity to request and receive an administrative review of the consideration given to his application.
 - (e) Procedures must be followed under which persons entitled to veteran preference are accorded the preference required →by law in the selection process and under which preference eligible applicants have an opportunity to ascertain in what manner← their preference was applied.
 - (f) A system for the discontinuance of the interchange agreement at the request of one or both parties must be established.
 - (g) Prior to entering into any agreement the Commission may conduct an onsite review of the excepted agency's personnel management system. Additionally, procedures will be established to allow for periodic personnel management evaluations conducted by CSC personnel or agency personnel with CSC representatives on the evaluation team.←
 - (2) Other conditions affecting approval, including mutual agreement that interchange would be in the interest of good administration, the kinds of status and tenure accorded, and other specific conditions →may be← developed as part of an individual agreement. This phase may be undertaken once it is determined that the basic criteria →outlined above have been← met and that both the agency and the Commission believe that an interchange agreement is practical and desirable.

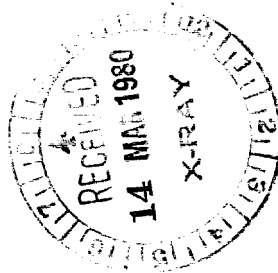
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Honorable Frank C. Carlucci
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Washington, D.C. 20505

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